

The Salisbury Planning Board held its regular meeting Tuesday, May 8, 2007, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Dr. Mark Beymer, Robert Cockerl, Tommy Hairston, Richard Huffman, Craig Neuhardt, Sandy Reitz, Jeff Smith, Valarie Stewart, and Diane Young

ABSENT: Albert Stout and Price Wagoner

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi, David Phillips, and Patrick Ritchie

Chairman Dr. Mark Beymer called the meeting to order and offered the invocation. The minutes of the April 10, 2007, meeting were approved as published. The Planning Board adopted the agenda with one change; the subdivision switched to new business “B” and the zoning text amendment to new business “D” to accommodate the subdivision petitioner.

NEW BUSINESS

A. ZONING MAP AMENDMENT

Z-04-07 City of Salisbury
Establish City Zoning
2006 Area 2/Cedar Springs Road Annexation

Dr. Beymer opened the Courtesy Hearing with an explanation. Preston Mitchell made the staff presentation. The City of Salisbury annexed the area in 2006 and, after some litigation, is prepared to move forward to establish City zoning to replace the Rowan County zoning. Tax Map 471, Parcels 042, 046, 047, 049, 051, 055, 061, 066, 068, and 112, which is approximately 55 acres, encompasses ten parcels. These properties are located along the east side of Cedar Springs Road, Circle M Drive, and Dollie Circle.

The City proposes to establish “like zoning”– the M-1 (Light Industrial) city zoning district on Tax Map 471, Parcels 046, 047, 049, 051, 055, 061, and 068 and to establish the R-6A (Multi-Family Residential) city zoning district on Tax Map 471, Parcels 042, 066, and 112 and to establish said districts to all applicable street centerlines, all of which is part of the 2006 statutory annexations.

Existing County Zoning

Commercial, Business, Industrial (CBI). This zone allows for a wide range of commercial, business and light industrial activities which provide goods and services. This district is typically for more densely developed suburban areas, major transportation corridors, and major crossroads communities. However, this district may also exist or be created in an area other than listed in this subsection if the existing or proposed development is compatible with the surrounding area and the overall public good is served.

Proposed City Zoning

Light industrial district (M-I). The light industrial district is to provide areas for the location of wholesaling and industries for manufacturing, processing, and assembling parts and products, distribution of products at wholesale, transportation terminals, none of which will create smoke, fumes, noise, odor, dust or which will be detrimental to the health, safety, and general welfare of the community. (Seven properties on the north side above Circle M Drive)

Multi-family residential district (R-6A). The district is intended primarily as a residential district for the location of detached single-family dwellings, two-family dwellings, and multi-family dwellings, along with their customary accessory uses. This zoning establishes areas for a density of development relative to the lot size requirements of this district. (Three properties based on their current land use.)

Growth Area

The area in question is located within the Vision 2020 Plan's Secondary Growth area. The *Secondary Growth Area* includes properties to which urban services could be extended within the next twenty years, but with greater difficulty and at a greater cost than for properties in the *Primary Growth Area*. In addition, not all properties within the *Secondary Growth Area* are expected to be developed within the next twenty years. To do so would mean that, within just two decades, the City would sprawl over an area some five times larger than the present city limits.

Since this zoning petition is not a private citizen petitioning for a zone change to allow for some future development, many of the 2020 growth and development policies do not apply to this situation. The area in question, which was annexed into the City effective April 1, 2007, is primarily built-out with a handful of vacant tracts spread throughout. The city's physical "growth" by annexation is an executive and multi-departmental decision that includes but also extends beyond the land management and planning department.

In general, this area of the city and county consists of heavy commercial as well as heavy and light industrial activity that has developed in a scattered pattern south of the airport runway. Staff supports retaining the concept of the county's CBI district and the continuation of the predominant land uses of the area due to their proximity to the airport, Highway 29, and Interstate 85. Therefore, staff proposes to simply convert most of the existing CBI district into the City M-1 (Light Industrial) district. The three tracts

adjacent to Dollie Circle are proposed for R-6A based on their existing residential land-use and adjacency to other R-6A zoning and residential uses.

Those speaking in opposition: NONE

Those speaking in favor: NONE

Diane Young made a MOTION that the Planning Board finds and determines that rezoning petition Z-04-07 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and hereby recommends Approval. Karen Alexander seconded the motion with all members voting AYE. (9-0)

B. SUBDIVISION

(1) S-02-07 Country Club Hills Section 8

Patrick Ritchie, the subdivision administrator, made the staff presentation. In the case of subdivisions, the planning board has the approval authority of the preliminary plat; they do not make a recommendation to City Council. The Planning Board will vote to approve, modify or deny the plat.

The development contains 117.8 acres located on Old Mocksville Road and Spence Drive and will be voluntarily annexed into the City. This area is zoned R-8. There will be about 199 residential lots and 4 common properties. All lots will be served by City water and sewer. The plan takes into consideration the future extension of Jake Alexander Boulevard; they have reserved a corridor along the northern boundary.

The developer has been very cooperative in working with staff to develop a plan that is a good one.

The following items were identified by TRC for consideration at the Planning Board level:

1. In accordance with Section 5.02.11 of the Subdivision Ordinance, the maximum distance between intersections shall be 800 feet. Portions of Streets A, B, and F exceed this standard. TRC acknowledges that topographic conditions and existing development in the area make it impractical to meet this requirement on all streets, and that the curvilinear design will provide traffic calming in these areas. TRC recommends that Planning Board grant relief from standards to allow the design as submitted. (Approved)
2. NCDOT approval is required for the connection to Old Mocksville Road which is a major thoroughfare. City standards recommend a distance of 800 feet between intersections on major thoroughfares, but the distance from the proposed entrance to

Trexler Loop Road cannot meet this criteria. NCDOT and TRC recommend acceptance of the connection to Old Mocksville Road as submitted. (Approved)

3. TRC recommends one additional street stub between Street A and the Billings property. An extension of Road B to the Billings property line would be an appropriate location. Alternatively, lot 369 could be combined with the Billings Property to allow for a future connection without actually constructing the street stub. (The developer does not accept this item and city staff does not have serious concerns because they do have frontage on Old Mocksville Road and Spence Drive. Allowed.)
4. The project is proposed for construction in two phases. The southern portion of the property will be phase one; the northern portion of the property will be phase two.
5. No individual driveway connections will be allowed onto Old Mocksville Road from lots 301-308 or 358. (Serve from interior streets.)

The Technical Review Committee recommends approval of the plan with the following stipulations: that relief be granted to allow portions of streets A, B, and F as noted to exceed the maximum distance of 800 feet between intersections as specified in Section 5.02.11 of the Subdivision Ordinance; to allow the entrance on Old Mocksville Road as proposed with spacing less than 800 feet between intersections as recommended by city standards; that no individual driveway connections be allowed to Old Mocksville Road from lots 301 through 308 or 358; that the area be voluntary annexed into the City of Salisbury so that streets and public utilities can be added to the City systems; and that all standard subdivision provisions apply.

The plat is subject to the following standard provisions:

1. Improvements for drainage, streets, water and sewer must be designed in accordance with City standards and policies.
2. An agreement concerning extension of water and sewer lines must be completed and approved by the developer and City Council.
3. Street names must be reviewed and approved by Rowan County.
4. All surveying and engineering plans must be tied to the NC State Plane Coordinate System. The City will assist in establishing coordinates for the original tie if necessary.
5. Erosion control must be provided in accordance with Rowan County regulations. For more information, contact: Mr. Greg Greene, Environmental Specialist, Rowan County Environmental Services; telephone 704-638-3078.

6. Approval of the preliminary plat will be valid for two years. Extensions of preliminary plat approval may be requested for no added cost in advance of the expiration date, or for 50 percent of standard fees after the expiration date.

Those speaking in opposition: NONE

Those speaking in favor:

Lee Wallace, President of Belle Realty Development Company, 301 N. Main Street, stated that staff was helpful in working out the kinks of the plan. The only item they did not agree on was reserving an entrance to get into the back of the adjoining property. The reason he felt that was not necessary was because the property is owned Jeff Billings, who is not interested in having that entrance there. He has six or eight acres there that are his “home place” with a barn, lake, and horses. He wishes to keep this intact. Should the property ever change hands, the property can be accessed from either Old Mocksville Road or Spence Drive. He also owns property to the north that could offer full access.

Board Discussion

Dick Huffman said he has done work for Belle Realty in the past, but would not stand to profit from this project. The Board did not think that he needed to recuse himself.

Jeff Smith would be in favor of granting relief on item number three (800-foot maximum street length). Jeff said he is not as concerned about the stub to the Billings property—mainly because of the connection back to Spence Drive and to Country Club Hills Phase 7.

Karen Alexander said she was concerned that they were offering relief on the 800-feet and yet not requiring some connection within the subdivision to the next piece of property. Although there are clearly other means of getting into that property in the future, are you then putting an undue burden on that future developer because we have essentially allowed all of the other entrances that are very close? The Land Development Ordinance Committee has discussed the fact that connectivity is very important for the future and pretty important on her list. Craig Neuhardt added that he would feel better if a lot was reserved for future connectivity.

Patrick Ritchie said that the owner of the other two parcels has frontage on Old Mocksville Road where they could put at least one more entrance. They also have frontage on Spence Drive that would allow an entrance. There is no code requirement that would make the developer connect to the adjacent property, but Planning Board does have the authority to require connection. The adjoining property owner does not want a street stub; he objected to having a street aimed at his barn.

Jeff Smith made a MOTION that Planning Board approve S-02-07, Preliminary Subdivision Plat for Country Club Hills, Section 8 with the following items:

1. That relief is granted for the maximum distance between intersections of 800 feet for streets A, B, and F.

2. Allow the proposed entrance to Old Mocksville Road, which happens to be less than the current 800-foot recommendation.
3. Allow no individual driveway connections to Old Mocksville Road from lots 301 through 308 or 358.
4. That the property be voluntarily annexed into the City of Salisbury.
5. That all the standard subdivisions shall apply.

Dick Huffman seconded the motion. Those voting in favor: Valarie Stewart, Jeff Smith, Diane Young, Mark Beymer, Richard Huffman, Sandy Reitz, and Robert Cockerl. Those voting against the proposal were Karen Alexander and Craig Neuhardt. Tommy Hairston abstained since he entered the meeting late. The motion was APPROVED. (7-2, with one abstention)

C. GROUP DEVELOPMENTS

(1) G-11-01 Salisbury YMCA Buck Hurley Youth Center

828 Jake Alexander Boulevard West

Tax Map 062, Parcel 044, Zoning LLI

David Phillips, Zoning Administrator, made the staff presentations for the Group Developments.

Mr. James Morgan submitted the application for the construction of a 10,226 square-foot (This will bring the total area of the YMCA to around an 88-90,000 square-foot total) addition to the previously approved site located at 828 Jake Alexander Boulevard West. All zoning criteria have been met. The Technical Review Committee recommends to the Planning Board approval of the application as submitted.

Some parking will be removed (they still meet minimum parking requirement), and an existing driveway will be relocated. The dumpster will be moved and relocated as required by the code. Some landscaping will be added.

No public comment.

Board Discussion

Sandy Reitz made a MOTION to recommend approval of G-11-01 as submitted. Diane Young seconded the motion with all members voting AYE. (10-0)

G-03-07 Salisbury Pediatric
129 Woodson Street
Tax Map 006, Parcel 079 & P/O 077, Zoning B-1

Mr. Brian Lathrop submitted the application for the construction a of a 6,110 square-foot addition to the existing medical facility located at 129 Woodson Street. The developer will be extending the 5-foot sidewalk along the frontage of the expanded development. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning Board approval of the application as submitted.

A house on the site is being removed for lot expansion. The existing facility is approximately 14,000 square feet. City requires that they create a new dumpster area with appropriate screening; they currently have rollout.

A petition has been submitted to close the existing alley that borders the property; it will be heard by City Council. If the alley is closed, the petitioner will probably have to resubmit the plan. There are a couple of large oak trees there that they would like to preserve.

Downstream, near the cemetery, stormwater runoff has the potential of increasing, causing drainage problems. There is a recommendation to either provide some on-site detention or to improve the pipe system downstream. Staff has not received comments from the developer on that issue.

Public Comment

Teresa Koontz spoke on behalf of Baxter Smith, 213 Mocksville Avenue. He wishes to leave his section of the alley open. Closing of the alley will cause his parking lot to be obsolete.

Dr. Chris Magryta, partner of Salisbury Pediatrics Associates and Salisbury Pediatric Investments who is proposing to build this project, 129 Woodson Street and Clay Lindsay of Summit Developers, 120 Statesville Boulevard—mention of the closing of the alley was for information only. Regardless of whether the alley is closed or left open, they would like to move forward with the project and this plan approval.

TRC recommended the dumpster enclosure change from rollout service to a dumpster service. The doctors who own the property prefer not to have dumpster service on this site. The parking lot was not originally built for dumpster service and it would not be easy for a dumpster truck to maneuver this parking lot; the pavement is also not set up for such. Instead, the doctors would have a private service take care of rollouts on a more frequent basis. The existing dumpster enclosure is only six years old and probably nicer than 95 percent of the enclosures in Salisbury. Mr. Lindsay distributed pictures of the dumpster area. They asked for relief on the dumpster. David Phillips said there was an appeal process to the public services director for the decision on the dumpster.

Clay Lindsay asked if the Planning Board could approve the site plan based on the decision of the City's solid waste manager.

Board Discussion

Mark Beymer thought that this decision might be a bit preliminary if there is going to be consideration on the alley closure. When is that going to be considered by City Council? David Phillips said Council will consider the closure of the alley May 15 and advertised for a month. A final decision will probably be made at the June 19 meeting. Public notifications will be mailed.

Valarie Stewart said that healthcare providers are required to dispose of patient information and biohazard materials by special process. She did not think that a dumpster would be the best way to dispose of their trash.

Dan Mikkelsen, Director of Land Management and Development, said that the site plan meets the standards as submitted. If the plan is approved, they can get their building permits and start construction on the building. They will then have time to resolve the issue both with the alley and the dumpster. They could come back and make a minor revision and it won't delay them.

Robert Cockerl made a MOTION to recommend approval of G-03-07 as submitted. Sandy Reitz seconded the motion with all members voting AYE. (10-0)

D. ZONING TEXT AMENDMENT

T-01-07 Amendments to Article IX, Signs

The secretary has included the staff report presented by Preston Mitchell and provided to the Planning Board in their agenda packet in the minutes below. Underlined language is proposed language, and strikes through wording are language proposed to be removed.

Request to amend Article IX, Signs, of the Salisbury Zoning Code by making the following changes to the sign ordinance:

1. Sec. 9.05(3): Signs Permitted by District
2. Sec. 9.05(8)(b.6): Signs Permitted by District
3. Sec. 9.06: Special Sign Provisions
4. Sec. 9.06(1A, 1C): Special Sign Provisions
5. Sec. 9.10(8)(b): Nonconforming Signs

The following text amendments to the Salisbury sign ordinance arise out of a variety of repeated requests to the City from local businesses and churches. Staff believes that the following amendments, if adopted, will benefit city businesses and churches as a whole and do not directly benefit one specific user.

1. Sec. 9.05(3)(l) Signs Permitted by District-Downtown (B-5) district

This amendment is for the use (and re-use) of historic signs within the downtown zoning district. If adopted, all such signs would be required to receive a Certificate of Appropriateness by the Historic Preservation Commission (HPC).

(l) Historic signs, whether renovations of architectural artifacts, adaptive re-use of existing signs or authentic replications based on photographic evidence or other documentation, shall be allowed provided that:

1. All historic signs are subject to design review and issuance of a Certificate of Appropriateness by the minor works committee of the Historic Preservation Commission following criteria prescribed by the design guidelines for commercial properties.
2. The number of historic signs may not exceed the total number allowed for a property within the district.
3. The size of historic signs may vary depending on the historical accuracy of the renovation or replication but shall not exceed 50 square feet.
4. Historic signs may be located on the property in a manner consistent with historical evidence or other documentation.
5. Historic signs may be lighted in manner consistent with historical evidence or other documentation.

2. Sec. 9.05(8)(b.6) Signs Permitted by District-Church Signs in residential districts

Staff is unable to determine any quantifiable basis for limiting illuminated ground signs to churches on one or more acres. In addition, the U.S. Supreme Court has found that it is unconstitutional to regulate the content of certain signage.

6. For church signs--

~~Bulletin board signs, both ground and wall signs, shall display only the name of the institution and other related information.~~

~~For lots of one (1) or more acres: Bulletin board~~ Ground signs may be up to ten (10) feet in height provided that there is a twenty-five-foot setback from any side or rear property line. This subsection is activated whenever height of ground sign exceeds five (5) feet. Such signs may be illuminated in accordance with section 9.11.

For lots of three (3) or more acres: Wall signs in the R-6A district shall be limited to no more than twelve (12) square feet per acre or fifty (50) square feet--whichever is less.

4. Illuminated signs: Ground signs ~~on lots of one (1) or more acres~~ may be illuminated, in accordance with section 9.11 for the following uses: elementary, junior high schools, and senior high schools; golf courses, parks, playgrounds, and community centers; residential group developments; permanent subdivision

identification signs; church bulletin board signs. All illuminated signs shall be at least twenty-five (25) feet from any side or rear property line.

3. Sec. 9.06(18) Special Sign Provisions

This proposal originally came forward in 2002 by Mr. John Riley. His business is located in the M-1 (Light Industrial) district. Initially, based on the M-1 zoning, staff had great concern over the impact of electronic LED signage in a district that permits 100-square foot signage up to 30 feet in height.

After appearing before City Council, his petition was referred to the Planning Board for review and recommendation back to City Council. After months of committee work, a final proposal was drafted for Council consideration; however, Mr. Riley withdrew his petition.

Recently, three of the four colleges in the city learned of the Riley petition and asked why institutional zoning was not added to the permitted list. Based on the collective request, staff is proposing to simply include institutional districts to the language below.

(18) Electronic Light Emitting Diode (LED) Signage. Where a ground sign is permitted in office, institutional, commercial, or industrial districts, a manual or electronic LED changeable copy sign shall be permitted subject to the following provisions:

1. **No more than 50% of the actual sign face, up to a maximum of 32 square feet, may consist of an LED changeable copy sign.**
2. **The sign shall not contain or display any type of flashing, scrolling, or animated message.**
3. **The LED changeable message, or display, shall remain fixed for a minimum of two (2) minutes. An exception to this provision shall be for display of time and/or temperature.**

9.04(10) Moving signs or devices designed to attract attention, all or any part of which move by fluttering, rotating, spinning, or moving in some other manner, and are set in motion by movement of the atmosphere or by mechanical, electrical, or any other means. Such devices include, but are not limited to: banners, pennants, ribbons, streamers, spinners, propellers, or discs, whether or not any such device has a written message--provided that the following are allowed:

(c) Electronic LED changeable copy signs as described in Section 9.06(18).

4. Sec. 9.06(1A, 1C) Special Sign Provisions-Group Development Signs

This proposal is in response to the U.S. Supreme Court finding that the content of certain signage may not be regulated.

(1A) *Commercial group development signs, including signs for shopping centers:* The sign regulations below shall be applicable to "shopping centers" as defined in section 4.02 and other commercial group developments, regardless of the regulations of the district in which shopping centers are located, except B-5 (central business) district where the B-5 sign regulations as contained in section 9.05(3) shall be applicable.

SIGN TABLE

TABLE INSET:

Sign Type	Number	Maximum Size	Maximum Height	Comments
Ground-- Primary sign	1 per street frontage, with a maximum of 2	See (e) below	20 ft. for each sign	See (f) below
Ground-- Outparcels	1	35 sq. ft.	10 ft.	--
Wall or canopy	1 per business having frontage on a public street	See (a) below	N/A	For buildings less than 400 ft. from a public street right-of-way
Wall or canopy	1 per business having frontage on a public street	25% above requirement in (a) below	N/A	For buildings 400 ft. or more from a public street right-of-way
Secondary wall sign(s)	1 or 2	No more than 32 sq. ft., or 20 percent of primary wall sign--whichever is more restrictive. Primary and secondary wall sign(s), when combined, shall not exceed the maximum allowable square footage in (a) below.	N/A	For offices or businesses that are within stores. Applicable only to stores with at least 150 feet facing a public street. For buildings less than 400 feet from a public street right-of-way.

Secondary wall sign(s)	1 or 2	No more than 40 sq. ft., or 20 percent of primary wall sign-- whichever is more restrictive. Primary and secondary wall sign(s), when combined, shall not exceed the maximum allowable square footage in (a) below	N/A	For offices or businesses that are within stores. Applicable only to stores with at least 150 feet facing a public street. For buildings 400 feet or more from a public street right-of-way.
Directory-- Ground or wall signs	1	20 sq. ft.	See (b) below	See (b) below
Entrance; exit; off-street parking signs	1 of each per driveway	3 sq. ft. for each sign	3 ft. for each sign	See (c) below
Miscellaneous-- Ground or wall signs	--	6 sq. ft.	--	See (d) below

TABLE INSET:

Ground Signs for Group Developments With Only One or Two Stores			
Minimum Size of Store or Stores	Maximum Size of Sign	Maximum Height of Sign	Comments
Over 200,000 sq. ft.	120 sq. ft.	25 ft.	—At least 60% of the sign shall be used to name the store(s). —These provisions do not apply to phases of developments with a total of three or more planned stores.—
100,000--200,000 sq. ft.	100 sq. ft.	20 ft.	
50,000--100,000 sq. ft.	80 sq. ft.	20 ft.	
Less than 50,000 sq. ft.	60 sq. ft.	15 ft.	

~~(e) Such signs shall be limited to contain only the words "entrance" and "exit," with a business logo or the symbol arrow pointing in a direction meaning entrance or exit, and the name of the business shall be limited to no more than twenty five (25) characters.~~

~~(f) At least forty (40) percent of the sign shall be devoted to identifying the commercial group development (which may or may not be a shopping center). The identification of the commercial group development shall not contain names of any stores or shops.~~

~~Up to sixty (60) percent of the sign may be used to identify individual stores or shops in the development, with a maximum of ten (10) square feet and a minimum of five (5) square feet allowable for each individual store or shop.~~

~~The height of the text letters in the individual stores or shops shall not exceed the text letters in the portion of the sign naming the group development, and the height of the text letters for the individual stores or shops shall be no less than four (4) inches.~~

~~When a commercial group development includes offices, this subsection shall be applicable, with individual offices having the same regulations for advertisement on the sign as are allowed for stores or shops.~~

(g) In lieu of one (1) primary ground sign allowed per street frontage, two (2) ground signs may be allowed in an approved group development provided that all of the following conditions exist:

~~The content of each sign is limited to the identification of one (1) particular business/office located on the premises and in front of said business/office.~~

(1C) Office group development signs. The sign regulations below shall be applicable to office group developments, regardless of the regulations of the district in which office group developments are located, except B-5 (central business) district where the B-5 sign regulations as stated in section 9.05(3) shall be applicable.

SIGN TABLE

TABLE INSET:

Sign Type	Number	Maximum Size	Maximum Height	Comments
Ground--Primary sign	See (a) below	See (b) below	10 ft. for each sign	See (c) and (d) below
Wall or canopy	1 per office	See (e) below	N/A	--
Directory--Ground or wall signs	1	20 sq. ft.	See (f) below	See (g) below
Entrance; exit; off-street parking signs	1 of each per driveway	3 sq. ft. for each sign	3 ft. for each sign	See (h) below
Miscellaneous--Ground or wall signs	--	6 sq. ft.	--	See (i) below

~~(d) At least forty (40) percent of the allowable signage shall be devoted to identifying the office group development by a common name. Up to sixty (60) percent of the allowable signage may be used to identify individual offices in the development, with more than twenty (20) percent of the allowable signage used for identifying any one (1) individual office. When two (2) signs are allowed abutting one (1) street in (a) above, one (1) sign may identify the name of the center and the other may identify names of offices in the center.~~

~~(h) Such signs shall be limited to contain only the words "entrance" and "exit," with a business logo or the symbol arrow pointing in direction meaning entrance to exit, and the name of the business shall be limited to no more than twenty five (25) characters.~~

Mr. Mitchell made a Power Point presentation about "content neutral sign regulations" and quoted Alan C. Weinstein and D. B. Hartt from the Anchorage sign code.

5. Sec. 9.10(8)(b) *Nonconforming Signs*

This proposal has been requested by multiple business owners in the city. The argument is as follows: Since a non-conforming use may be replaced by another similar non-conforming use within 180 days (e.g. a non-conforming insurance agent could be replaced by another, different, insurance agent), then why could the new similar use not re-use the sign and simply change the face of the sign?

The proposal is to permit the face change of a non-conforming sign, but no other physical changes – or illumination change – of the sign would be permitted.

(8) Other than the required removal dates for signs in the above applicable subsections, on-premise signs shall not be required to be removed unless one (1) or more of the following conditions exist:

(a) As referenced in section 7.01(1)(d), signs shall not be rebuilt, altered, or repaired after damage exceeding sixty (60) percent of the fair market value immediately prior to damage.

~~(b) There is a name change in the business or organization.~~

(c) There is a relocation of the business or organization to another site where the sign is not allowable.

(d) As stated in section 9.09(4), entitled Abandoned, discontinued or obsolete signs, signs identifying businesses no longer in existence, products no longer being sold, services no longer being rendered, or signs and sign structures which have been abandoned shall be removed by the property owner(s) from the premises within one hundred twenty (120) days from the termination of such activities. The zoning administrator will provide thirty (30) days' written notice for the removal of signs in violation of this section, or to bring such signs into compliance.

(e) Signs may not be relocated unless such relocation is to an area which is in accordance with article IX Signs.

Staff Recommendation

Staff recommends sending the proposal to a Legislative Committee for additional review prior to recommendation, and recommends Community Appearance Commission (CAC) consideration for any portion (or all) of the five amendments.

Board Discussion

Dr. Beymer stated that the staff recommendation sounded wise to him. Diane Young added that representatives of the HPC should be in discussion with the first item, which is historic signs for downtown districts, since they are going to be involved with the review of any such signs.

Jeff Smith said that number seven on page seven of the staff report Subsection 8 under “C” needed clarification. Preston Mitchell said he got clarification from the Zoning Administration and “C” should not be stricken.

The Cheerwine sign painted on the side of the downtown building is ruled as a mural.

Dick Huffman said he agreed with the concerns about content regulations; particularly that you have some authority over commercial speech, but to say a church could not say what it wishes would not stand any sort of a challenge.

Legislative Committee A–Valarie Stewart-Chair; Jeff Smith Vice Chair; Mark Beymer, Robert Cockerl, Karen Alexander, and Dick Huffman will meet at Rowan Regional Hospital Friday, May 11 at 8 a.m.

OTHER BOARD BUSINESS

Karen Alexander joined the Planning Board for the first time this meeting. She will be sworn in at the next Planning Board meeting.

There being no further business to come before the Planning Board, the meeting was adjourned at 5:54 p.m.

Dr. Mark Beymer, Chair

Diane Young, Vice Chair

Secretary, Diana Moghrabi